

1 for student programs, were there any student programs
2 in place that allowed students to come into the radio
3 station on any kind of basis? If so, what did those
4 students do?

5 A Yes, there were. I just don't remember
6 exactly what those programs were.

7 Q Now, in terms of students coming in, were
8 students coming to the radio station on any kind of
9 regular basis?

10 A Yes. We were located there at the high
11 school, and the journalism classes were held right
12 across the hallway from the station. Anna was the
13 main liaison with the journalism teacher. I can't
14 remember his name. I would sit in, time permitting,
15 the workshops or the -- there are classes, but I can
16 remember Anna sitting around in the classroom
17 explaining to the students how the station was
18 operated and then bringing them into the station, but
19 I can't remember the specifics of how the students
20 were involved in the station.

21 Q Were the students ever on air?

22 A I do remember the students being on air, but
23 in a very controlled and produced fashion.

24 Q Were the students allowed to do any
25 production or to do any engineering?

1 A Not engineering. In order to produce the
2 very high controlled, tape recorded, preproduced
3 pieces that we aired, the students would have had to
4 be involved in the production of that.

5 Q Were student voices, for example, ever used
6 in station identifications or in promotions of any
7 kind?

8 A No. I don't think I would have allowed
9 that.

10 MS. LEAVITT: Can I just ask a question? I
11 understand that the school continues, and I think the
12 station did at the time, would read the lunch menu.
13 I'm just wondering, did students ever get involved in
14 reading the daily lunch menu?

15 THE WITNESS: Not on a regular basis. The
16 school lunch menu was read by the morning edition
17 host, Joe Burke, a couple times in the morning, like
18 at 6:30, 7:30. I never encouraged him to have a
19 student come in and read the lunch menu.

20 MS. LEAVITT: Okay. Thank you.

21 BY MR. SHOOK:

22 Q Were students ever utilized as general
23 office helpers at one time or another?

24 A I don't remember.

25 Q Maybe if I put it another way. If you could

1 describe for me what it was that students actually
2 were able to do in connection with operating the radio
3 station?

4 A I don't remember anything specific.

5 Q Would it be fair to say then that student
6 involvement was generally limited to observing what
7 was going on?

8 A No, I don't think it would be fair to say
9 that. I would involve -- I would have urged the
10 students to be involved in more than an observation
11 capacity. I just don't -- I just can't remember any
12 specifics of how students were involved.

13 Q That's fair enough. Now, I had asked just a
14 very general question about the public inspection
15 file. Once you became general manager, did you become
16 aware that the station, in fact, had a public
17 inspection file?

18 A I knew the station had a public inspection
19 file, but it wasn't immediately after I started at the
20 station. Not having the experience with managing the
21 station's responsibilities to the FCC, it just wasn't
22 on my radar. I had no -- I didn't know what the
23 bearing was.

24 Q Was responsibility for the public inspection
25 file a part of your job responsibilities?

1 A I don't remember that. I don't remember if
2 that was part of my job description.

3 Q Now, I remember seeing a job description
4 from a later point in time. I'm a little fuzzy as to
5 whether or not the job description I saw would have
6 related to your tenure. Offhand, you don't remember
7 whether or not the position description you had
8 imposed responsibilities on you for maintaining the
9 public inspection file?

10 A The job description that I saw was very
11 limited. It was essentially -- it looked a lot like
12 this page here on station letterhead, pretty much in
13 the form of a job announcement, that Enrique handed
14 me.

15 Q So you weren't necessarily given a laundry
16 list of duties, you shall be responsible for a, b, c,
17 d, e, whatever?

18 A No. Out of the frying pan into the fire.

19 Q There's more than one way to get cooked.
20 After you became general manager, did there come a
21 time when any of the employees came to speak with you
22 about the KALW public inspection file?

23 A Yes. I was reminded that -- Dave Evans had
24 in a meeting with me just a couple weeks into being on
25 the job, had told me about the public files, but my

1 focus at the time really was on the construction and
2 the planning and preparation of the move to the
3 station. I think that that was the substance -- that
4 would have been the substance of the meeting that I
5 would have had with Dave as the chief engineer.

6 I do have a recollection that he did talk
7 about the public files being in bad shape, but again
8 because I didn't have the awareness of the
9 responsibilities to the FCC, I didn't know what the
10 bearing was, so I didn't know what to make of it.

11 Q Was there anybody at the station who, to
12 your understanding, took responsibility for
13 maintaining the file in any way?

14 A Not that I remember. I remember when I was
15 shown where the public file was located, in a filing
16 cabinet, but again I didn't know what to make of it.

17 Q In terms of being shown the public file,
18 were you simply shown, okay, here's a set of public
19 file drawers and the public inspection file is in
20 there, or did somebody actually pull out one or more
21 drawers and say here it is?

22 A I don't remember. What I remember is,
23 there's the filing cabinet, that bottom drawer is
24 where the public file is.

25 Q Now, I think you mentioned that you started

1 in August 1996. Were you aware of an election in
2 November 1996 concerning the makeup of the board of
3 education?

4 A No.

5 Q Did you have any awareness that the
6 membership of the San Francisco Board of Education
7 changed at all as a result of a November 1996
8 election?

9 A Yeah.

10 Q What awareness did you have?

11 A I'm not big into politics. What I knew is
12 that the board of education, that one or two positions
13 from time to time are subject to election and that
14 they change. My familiarity or my interaction with
15 the board was fairly nil. Enrique Palacios was my
16 principal liaison or my principal contact with the
17 board of education and with the office of the
18 superintendent. So what was happening at the board of
19 education level hardly -- that was another thing that
20 was hardly ever on my radar. I was more concerned
21 with managing and operating the radio station.

22 Q Did you receive any advice from anyone
23 following the November 1996 election that it may be
24 necessary to update the station's ownership
25 information by preparing and filing with the FCC an

1 ownership report or supplemental ownership report?

2 A No.

3 Q Did you receive any advice from anyone
4 following the November 1996 election that it may be
5 necessary to update the station's ownership
6 information by placing an updated ownership report or
7 supplemental ownership report in the KALW public
8 inspection file?

9 A No.

10 Q When you became the general manager, were
11 you aware of any obligation to update KALW-FM's public
12 inspection file with quarterly issues programs lists?

13 A No.

14 Q Did there come a time after you became
15 general manager that this was brought to your
16 attention?

17 A I think my first real awareness of the
18 obligations and responsibilities that the station has
19 to the FCC was the result of receiving the license
20 renewal notification and then going through and then
21 examining the paperwork that came, or examining the
22 application and the paperwork that came with that.

23 Q We'll go into a little more detail about
24 that in a bit. This is a question similar to the last
25 one I asked you, but it's a little bit different.

1 While you were the general manager, did you become
2 aware of an obligation to update the station's public
3 inspection file with quarterly issues programs lists?

4 A Yes. It was at the time of filling out the
5 application, the renewal application.

6 Q Now, once you became aware that these
7 obligations existed, did it come to your attention
8 what procedures the station had for updating the
9 public file with respect to issues programs lists?

10 A I'm not sure I understood your question.

11 Q You had mentioned that when you started to
12 examine the license renewal materials, that was when,
13 I guess, it was brought to your attention or that
14 there was more of a focus on what was involved in
15 maintaining a public inspection file. My question is,
16 were you aware of or did you become aware of any
17 procedures that were in place for updating or
18 maintaining the public inspection file?

19 A No. I don't think I knew what the station's
20 procedures at the time were for placing lists in the
21 public file.

22 Q Subsequent to that initial awareness that
23 there was some obligation, did it come to your
24 attention what procedures, if any, were in place for
25 maintaining or updating the public inspection file?

1 A No. I don't remember.

2 Q Would it be fair to say that responsibility
3 for maintaining or updating the public inspection
4 file, you viewed it as somebody else's responsibility?
5 If so, who would that person have been?

6 A I don't think I viewed it as someone else's
7 responsibility. I think I would have seen it as my
8 responsibility to make the public inspection file
9 complete.

10 Q At some point did you undertake an effort to
11 do so?

12 A Sure.

13 Q What was involved in that effort?

14 A I do remember working with the producers of
15 one of the public affairs programs that the station
16 aired and asking him to place into the public file the
17 lists to make it complete.

18 Q First of all, do you remember which person
19 you're referring to now?

20 A Yeah. It was John Covell -- he was the
21 producer of a program called City Visions -- and Rose
22 Levinson. She's the host of the program, but John is
23 the one who I mainly worked with because he was able
24 to come in during the day. The program aired in the
25 evening at 7:00 or 8:00, and Rose only came in in the

1 evenings.

2 Q Whatever it was that John did, was that
3 document or documents run by you first before it was
4 put in the station's public file?

5 A I don't remember.

6 (The document referred to was
7 marked for identification as
8 Ramirez Exhibit No. 1.)

9 BY MR. SHOOK:

10 Q Now, if need be, I can give you an entire
11 application, but I'm going to show you a portion of
12 the application that so far as we know you filled out.
13 The question that I want you to focus on is Question
14 No. 2. That question reads, "Has the applicant placed
15 in its public inspection file at the appropriate times
16 the documentation required by 47 C.F.R. Section
17 7335.26 and 7335.27?"

18 There are three different boxes there,
19 basically, that can be marked in some fashion, a yes
20 and no, and an exhibit number. The "yes" box is
21 checked. Is that something that you did?

22 A Yes.

23 Q You intended to check yes?

24 A Yes.

25 Q Now, in terms of answering the question yes

1 as opposed to no, did you have occasion to read either
2 one of the two rules that are referenced there,
3 7335.26 or 7335.27?

4 A I would have referred to the rules and read
5 them, yes.

6 (The document referred to was
7 marked for identification as
8 Ramirez Exhibit No. 2.)

9 BY MR. SHOOK:

10 Q Now, this is a bit of ancient history here,
11 since the Commission has always thought of tinkering
12 with its rule. Anyway, this particular rule that I'm
13 showing you, not the entirety of, I believe, but at
14 least it starts -- you see 7335.27 and that is the
15 rule that deals with noncommercial educational
16 stations, so this is the rule that would have applied
17 to KALW, as opposed to 7335.26, which applies to
18 commercial stations. The rules are very similar, but
19 in any event, there are two different rules.

20 Now, just if you would, if you could glance
21 through what I have copied here. It begins on page
22 317 of that edition of the rules and then carries over
23 to the next page. You had mentioned that you had
24 looked at the rule prior to responding to the question
25 or prior to filling out the form and answering yes to

1 the question?

2 A Yes.

3 Q Now, with respect to the issues programs
4 list that happens to be mentioned in (a)(7), I know
5 there may be a fair amount to parse here, but one of
6 the things that the rule speaks to is that these lists
7 are supposed to be prepared on a quarterly basis and
8 placed in the public file on a quarterly basis. Do
9 you see that?

10 A Yes.

11 Q Prior to answering the renewal application
12 question, did you personally look at the public file
13 to see what, in fact, was in there from a quarterly
14 issues programs list standpoint?

15 A Yes.

16 Q Did you see that the file was complete at
17 the time you first looked at it, or was there
18 something missing which caused you to ask Mr. Covell
19 to prepare a document?

20 A Yes. Certainly, there were things missing.

21 Q What did you understand to have been
22 missing?

23 A The program list or an issues list.

24 Q When you looked at the public file, was it
25 organized in any particular fashion that would allow

1 you to go back to a particular year and look at the
2 first quarter of 1993 and see was something there or
3 it wasn't there?

4 A I don't remember it being organized in that
5 way. It was disorganized.

6 Q I know this is going to be a challenge. A
7 lot of this is a challenge because we're talking about
8 things that happened so long ago. But, when you
9 looked at the public file, if you could give us a
10 general idea of what it looked like when you saw it,
11 in terms of how it was organized, what was there, what
12 wasn't there? Just do the best you can with that.

13 A What it looked like? I can remember opening
14 up that bottom drawer and seeing a lot of file
15 folders. The drawer was nearly full of file folders.
16 I remember being overwhelmed by what I saw in the
17 drawer.

18 Q I guess to put this in some kind of context,
19 you would have received the license renewal
20 application in blank what, maybe a month before it was
21 supposed to have been filed?

22 A I don't remember when I received the
23 application form.

24 Q I guess what I'm getting at is, there was a
25 date certain that you knew that the application had to

1 be completed and sent to the FCC.

2 A Correct.

3 Q Then there would have been a period of time
4 before that when, in order to answer the questions,
5 you would have had to undertake various activities.

6 A Correct.

7 Q And in connection with the public file, in
8 this particular instance, one of the things that you
9 did was simply pull out the drawer and see what was
10 there and go ahh?

11 A Correct.

12 Q Now, in connection with the public file, had
13 you asked anybody to look at that public file before
14 to try to give you an idea of what was there and what
15 needed to be done in order to fix it up?

16 A Yeah. I do remember asking a volunteer --
17 her name was Susan Hecht -- to put the file in order
18 so that I could go through it.

19 Q Did she do that?

20 A I think I remember that what she did or what
21 she gave me wasn't what I was expecting, and I didn't
22 find it helpful.

23 (The document referred to was
24 marked for identification as
25 Ramirez Exhibit No. 3.)

1 BY MR. SHOOK:

2 Q In terms of what she gave you, a document
3 that we haven't even really talked about yet called a
4 petition to deny, had as an Exhibit P, a four page
5 document that I'm now showing you. Is this the
6 document that you're referring to that Susan Hecht
7 prepared and gave to you?

8 A Yeah, this is what she gave me.

9 Q Just to the casual outside observer looking
10 at this, this appears to be her assessment of what was
11 actually in the file?

12 A Correct.

13 Q From what you just mentioned a little while
14 ago, what you had wanted her to do was not just tell
15 you what was in the file but organize it in some
16 fashion or somehow make the file as it was supposed to
17 be?

18 A Yeah. What I wanted to do -- this is what I
19 remember wanting to do. I wanted to go through the
20 file myself, but I didn't feel that, based on what I
21 saw in there, that it was ready for me to go through,
22 because there was a lot of stuff in there.

23 Q So when you first pulled out the file
24 drawer, it was like oh-oh, got a problem here, and
25 then you asked Susan to do what?

1 A I don't exactly remember what I asked Susan
2 to do. I just remember that I asked her to do
3 something. What she gave me I didn't find helpful.
4 Plus, the other thing, too, was I think she gave this
5 to me way past when I needed it. She wasn't at the
6 station on a daily basis. I think she came in once or
7 twice a week. My hands were really full with other
8 things at the station, and I, for the most part needed
9 to work fast and work quickly.

10 This probably wasn't the right work to give
11 a volunteer. You know, given that I had the primary
12 responsibility for filling in the application, I
13 needed to do it myself. I did a lot at the station on
14 my own, not having a lot of help.

15 Q When there aren't many hands there, you
16 don't have much choice.

17 A Yeah. So I needed to move on and do the
18 work that needed to be done. I didn't make much use
19 of this list by the time that I got it.

20 Q Now, we understood from various allegations
21 that went back and forth that this document, the
22 license renewal materials and file at present, Exhibit
23 E to the petition to deny, was given to you sometime
24 in June 1996, which would have been approximately a
25 month to a month and a half before the license renewal

1 application was actually filed. Does that sound about
2 right to you?

3 A You said 1996. I think you meant 1997.

4 Q If I said 1997, I meant 1996. Excuse me.
5 All right. Let me try that again. As I understand
6 it, the list was given to you in June 1997 -- I think
7 I've got the year right now -- and that the license
8 renewal application was due August 1, 1997, so
9 anywhere from four to eight weeks you would have
10 received this document from Susan, if it turns out
11 that June timeframe is accurate.

12 A It's hard to remember. I don't remember
13 exactly when I got it from her.

14 Q But you remember that it was relatively late
15 in the day in terms of, now that you've got this
16 report what do I do about the public file. It didn't
17 really give you enough time to react, to do what you
18 thought needed to be done?

19 A I think it was, yes. I had already started
20 acting on the public file by the time I got this, so
21 when I got this, it was -- I had already gotten to
22 work.

23 Q This was old news?

24 A Yeah, that's a good way to put it.

25 Q Now, in terms of its accuracy, though, did

1 you have any feel in one way or the other in terms of
2 whether or not Susan's report accurately captured what
3 was in and what wasn't in the station's public file
4 when she looked at it?

5 A I didn't spend a lot of time with Susan's
6 list. Quite frankly, this was also at a time at the
7 station when I started to not know who to trust at the
8 station, a lot of hostility, a lot of anger and
9 resentment at the station. It's not that I didn't
10 find that it was accurate. I never got to that point
11 of analysis.

12 It was more that I didn't trust, and I hate
13 to say this about someone who I asked to do something
14 for me, because as a manager I hate to say that I
15 didn't trust the people working for me, but I didn't
16 trust a lot of the people that were working for me.
17 So I wound up doing a lot of the work myself.

18 Q Unfortunately, that happens on occasion.
19 You just get stuck. In terms of the public file,
20 though, when you were looking through the public file,
21 one of the things that you mentioned was that you
22 asked Mr. Covell to prepare a document to be placed in
23 the file.

24 A Correct.

25 //

1 (The document referred to was
2 marked for identification as
3 Ramirez Exhibit No. 4.)

4 BY MR. SHOOK:

5 Q I'm going to show you a document that was
6 attached to the petition to deny as Exhibit O and ask
7 you whether this document means anything to you.

8 A Yeah, it means something to me. I've seen
9 this before.

10 Q Do you remember in what context you saw it,
11 who may have prepared this document, what its purpose
12 was?

13 A Well, I can tell this JC is John Covell.
14 I'm going to say John Covell.

15 Q So under producers, there appear to be a
16 series of initials?

17 A Right.

18 Q And those initials would represent whom? If
19 you could identify each set of initials for us? You
20 mentioned JC was John Covell.

21 A It has to be John Covell, because these
22 would have been topics for City Visions. RL would be
23 Rose Levinson, the host.

24 Q Now, there are a number of other initials
25 noted. It looks like BM.

1 A Yeah, there were a boatload of producers or
2 assistant producers. John and Rose were the main
3 producers. The other folks, I don't know who they
4 are.

5 Q So you don't know who BM is, next to the
6 date 6/12/95?

7 A No.

8 Q Or SS next to the date of 6/19/95?

9 A No.

10 Q Or LH next to the date of 7/24/95?

11 A No.

12 Q KB next to the date of 12/18/95?

13 A No.

14 Q We know JC, but KA next to the date of
15 6/24/96?

16 A No.

17 Q Then EF along with BM, next to the date of
18 1/6/97?

19 A No.

20 Q Or MI next to the date of 7/7/97?

21 A No.

22 Q Do you know whose handwriting this is? 7/23
23 is written in handwriting in the upper right hand
24 corner of the document?

25 A No.

1 Q That wasn't you?

2 A No.

3 Q As far as you can recall, is this Exhibit O
4 the document that Mr. Covell produced at your request
5 for inclusion in the public file?

6 A I don't remember.

7 Q You do have some recollection, though, that
8 whatever document it was that Mr. Covell produced you
9 saw before it went into the public file?

10 A I don't know if I ever saw it before it went
11 into the public file. I knew it was in the public
12 file, but I don't remember -- I really don't remember
13 reviewing it or seeing it before it got placed into
14 the public file.

15 Q Now, other than yourself, you mentioned that
16 you looked at the public file to see what was there,
17 and Susan Hecht, you had asked her to look at the
18 public file. Was there anybody else that you had
19 asked to look at the public file to see what was
20 there?

21 A I don't remember asking anyone else.

22 Q Do you recall at any time while you were
23 general manager that Mr. Helgeson had any
24 responsibilities vis-a-vis the public file?

25 A I wouldn't say that Bill had a

1 responsibility, but Bill in a lot of cases was my
2 liaison and my contact with the staff, so if there was
3 an instance, or in the instance where I would have
4 asked, I would have met with John, and said John, this
5 is the situation we have, we need to correct the
6 public file, can you come up with this list. I just
7 don't think that John would have went to the file
8 himself and would have done that.

9 Q But whatever it was that he did he might
10 have given it to Bill in the first instance, and Bill
11 would have placed it in the file?

12 A Correct.

13 Q Now, was Bill physically located somewhere
14 near the public file, his desk or his office, or
15 whatever it is that you would call it?

16 A By the time that we were in the new building
17 or at the new station, Bill's "office" was something
18 about the size of this room, in an open area
19 partitioned by room dividers that were about five feet
20 tall. The filing cabinet was in the area that was
21 Bill's area, the operations area.

22 Bill wore a couple hats, so in this
23 operations area I don't know how Bill had his area
24 organized, but he probably had stations where, if I'm
25 sitting here I'm the operations manager and I'm making

1 logs. If I'm sitting here, I'm scheduling the
2 announcers and figuring out who needs to be where. If
3 I'm sitting here, I'm putting together the record log,
4 something like that.

5 Q It strikes me from what you've said that
6 when you looked at the public file, you had an
7 understanding that there were documents that should
8 have been there that weren't there.

9 A Correct.

10 Q And that you, in turn, tried to take some
11 step in order to make sure that whatever documents
12 were required to be there were, in fact, ultimately
13 placed there.

14 A Correct, to make the file complete. This is
15 within -- my overall approach to the station was
16 that -- the station had come out of a long period of
17 difficulty following the earthquake, you know, being
18 in the gymnasium. I needed to steady the station
19 and -- steady the station and get on with business
20 after being in a gym for seven years. So yeah, one of
21 the things that I thought I needed to do was correct
22 the file so that it was complete.

23 Q Now, if you go back and look at the way the
24 renewal application is phrased, it makes a reference
25 to appropriate times. Do you see that?

1 A Correct.

2 Q Did you have an understanding at the time
3 you were looking at the renewal application that
4 perhaps some of the documents that were supposed to be
5 in the public file had not been there at the
6 appropriate times?

7 A I think that that's -- this is where I
8 misunderstood the question.

9 Q What did you understand the question to ask?

10 A What I understood the question to ask was
11 that upon my becoming aware that the file needed to be
12 corrected and be made complete, that was the
13 appropriate time. So, I did everything I could do
14 while general manager to complete the file, because to
15 the degree that I wasn't at the station before August
16 1996, I couldn't do anything about the public file. I
17 could only take corrective action, and the appropriate
18 time to take corrective action was when I was there.

19 Q Do you have a different understanding now?

20 A For sure.

21 Q What is your understanding now?

22 A Given the passage of time, given the
23 knowledge that I have from the Corporation for Public
24 Broadcasting, working with the folks in our community
25 service grants area who need to certify stations to

1 receive grants that they're in compliance, yeah, I
2 have a different understanding of the rule now.

3 Q So if you take your current understanding
4 and you bring yourself back to late July 1997, which
5 box are you going to be checking then for that
6 Question No. 2?

7 A I would have checked no, and I would have
8 provided an explanation for the station's current
9 situation at the time and what I saw, what I would do
10 today. Given what I know today, what I would have
11 done seven years ago would have been in accordance
12 with the way we do business at the CPB, which is to
13 explain, explain, explain, put things in writing, put
14 your thinking down on paper. I didn't do that back in
15 1997.

16 Q I have been periodically referring to a
17 petition to deny. Do you recall such a document
18 coming to your attention?

19 A Yes.

20 Q I take it it was a subject of some turmoil,
21 or it caused some turmoil as a result?

22 A It was a huge distraction.

23 Q If you could step back in time and give us
24 what your understanding of the context of that
25 document was? Why were people within your own